

Application No: 13/5297C

Location: Land off Warmingham Lane, Middlewich, Cheshire

Proposal: Reserved matters application for proposed residential development for 194 dwellings and associated public open space with details submitted for appearance, landscaping, layout and scale.

Applicant: Stephen Miller, Morris Homes Limited

Expiry Date: 03-Apr-2014

SUMMARY RECOMMENDATION

APPROVE subject to conditions

MAIN ISSUES

Principle of the Development

Location of the Site

Landscape

Affordable Housing

Highway Implications

Amenity

Trees and Hedgerows

Design

Ecology

Open Space

Education

Flood Risk and Drainage

Archaeology

Other

REASON FOR REFERRAL

This application is referred to the Strategic Planning Board as it relates to a Reserved Matters application to a Strategic Site. The Outline application was dealt with by the Strategic Planning Board.

1. DESCRIPTION OF SITE AND CONTEXT

The application site is located to the west of Warmingham Lane within the open countryside as defined by the Congleton Borough Local Plan. The site is relatively flat and L-shaped. The site is undeveloped agricultural land which is bound by native hedgerows and trees. To the north and east of the site are residential properties of varying sizes and styles which front onto Warmingham Lane, Byron Close, Davenham Way and Ashton Close. To the south of the site is an access track which serves Pettywood Farm.

The square parcel of land to the north-east of the site has a full planning permission for 149 dwellings under application 12/2584C.

1. DETAILS OF PROPOSAL

This is a reserved matters application for 194 dwellings (35 dwellings per hectare). The issues which are to be determined at this stage relate to the appearance, landscaping, layout and scale of the development.

The access would be via a single point of access off Warmingham Lane. This was approved as part of the appeal and the duplicate application approved by Cheshire East.

The site would include the provision of 30% affordable housing, a LEAP, the creation of balancing ponds, public open space which will encompass habitat creation, informal open space and new footpaths. The majority of the POS would be located centrally within the site.

The development would consist of 1 to 5 bedroom units which would have a maximum height of up to 2.5 storeys.

2. RELEVANT HISTORY

12/2685C - Outline application with some matters reserved for proposed residential development of up to 194 dwellings, site access, highway works, landscaping, open space and associated works – Approved 19th November 2012

12/0883C - Outline Planning Application for Proposed Residential Development of Up to 194 Dwellings, Site Access, Highway, Landscaping, Open Space and Associated Works – Appeal Lodged. Appeal Allowed 9th January 2013

3. POLICIES

National Policy

National Planning Policy Framework

Local Plan policy

PS3 – Settlement Hierarchy

PS8 - Open Countryside

GR21- Flood Prevention

GR1- New Development

GR2 – Design

GR3 - Residential Development

GR4 – Landscaping

GR5 – Landscaping
GR9 - Accessibility, servicing and provision of parking
GR14 - Cycling Measures
GR15 - Pedestrian Measures
GR16 - Footpaths Bridleway and Cycleway Networks
GR17 - Car parking
GR18 - Traffic Generation
NR1 - Trees and Woodland
NR3 – Habitats
NR4 - Non-statutory sites
NR5 – Habitats
H2 - Provision of New Housing Development
H6 - Residential Development in the Open countryside
H13 - Affordable Housing and low cost housing

Regional Spatial Strategy

DP1 – Spatial Principles
DP2 – Promote Sustainable Communities
DP7 – Promote Environmental Quality
L4 – Regional Housing Provision
L5 – Affordable Housing
RDF1 – Spatial Priorities
EM1 – Integrated Enhancement and Protection of the Regions Environmental Assets
MCR1 – Manchester City Region Priorities
MCR 4 – South Cheshire

Other Considerations

The EC Habitats Directive 1992
Conservation of Habitats & Species Regulations 2010
Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System
Interim Planning Statement Affordable Housing
Interim Planning Statement Release of Housing Land
Draft Middlewich Town Strategy Consultation

4. CONSULTATIONS (External to Planning)

Environment Agency: No further comments to add to the previous consultation response for application 12/0883C.

As part of application 12/0883C the Environment Agency stated that:

'The Environment Agency has no objection in principle to the proposed development but made the following comments.

The site is shown on the EA Flood Maps as being within Flood Zone 1, which is low probability of river/tidal flooding. The Flood Risk Assessment (FRA) explains that the discharge of surface water from the proposed development is to be restricted to greenfield run-off rates. The FRA also explains that the attenuation is to be provided by storage/detention ponds, with final discharge to

an existing surface water sewer. This is acceptable in principle. The amount of attenuation required for up to the 1% annual probability event, is to be increased for climate change. Therefore, the following conditions should be attached to any permission:

- *A scheme to limit the surface water run-off from the site*
- *A scheme to manage the risk of flooding from overland flow'*

United Utilities: No objection providing the following conditions are met:

- Notwithstanding any indication on the approved plans, no development approved by this permission shall commence until a scheme for the disposal of foul and surface waters for the entire site has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, surface water must drain separate from the foul and no surface water will be permitted to discharge directly or indirectly into existing foul or combined sewerage systems. Any surface water draining to the public surface water sewer must be restricted to a maximum pass forward flow that mimics existing Greenfield run off. The development shall be completed, maintained and managed in accordance with the approved details.
- Public sewers cross this site and we will not permit building over it. We will require an access strip in accordance with the minimum distances specified in the current issue of "Sewers for Adoption", for maintenance or replacement.
- As public sewers cross the site, a modification of the site layout, or a diversion of the affected public sewer at the applicant's expense, may be necessary. To establish if a sewer diversion is feasible, the applicant must discuss this at an early stage with Developer Engineer.
- Deep rooted shrubs and trees should not be planted in the vicinity of the public sewer and overflow systems.
- UU water mains will need extending to serve any development on this site. The applicant, who may be required to pay a capital contribution, will need to sign an Agreement under Sections 41, 42 & 43 of the Water Industry Act 1991.

Strategic Highways Manager: No objection

Environmental Health: No objections subject to conditions relating to construction hours, piling hours, noise mitigation measures, travel plan, electrical vehicle infrastructure and contaminated land.

Public Open Space: No comments received at the time of writing this report. As part of the last application they stated that:

'Following an assessment of the existing provision of Amenity Greenspace accessible to the proposed development, if the development were to be granted planning permission there would be a surplus in the quantity of provision, having regard to the local standards set out in the Council's Open Space Study.

Following an assessment of the existing provision of Children and Young Persons Playspace accessible to the proposed development, if the development were to be granted planning permission there would be a deficiency in the quantity of provision, having regard to the local standards set out in the Council's Open Space Study. The plan indicates the inclusion of a LEAP sized play area located centrally within the central public open space. According to the design and access statement this equates to an area of 0.04 Ha. This should include at least 5 items incorporating DDA inclusive equipment, using play companies approved by the Council. The final

layout and choice of play equipment should be agreed with CEC, and the construction should be to the Council's satisfaction. Full plans must be submitted prior to the play area being installed and these must be approved, in writing, prior to the commencement of any works. A buffer zone of a least 20m from residential properties facing the play area should be allowed for with low level planting to assist in the safety of the site'

Natural England: The application site is in close proximity to Sandbach Flashes SSSI and Natural England is satisfied that if the proposed development is carried out in strict accordance with the details submitted it will not damage or destroy the interest features for which the site has been notified. Natural England advise that the SSSI does not represent a constraint to determining this application.

For advice on protected species, refer to Natural England standing advice.

Public Rights of Way: The creation of the 'proposed footpaths/cycleways' within public open space and southern and western edges of the site is noted. Sufficient width of green corridor and natural surveillance should be allocated for these routes to be purposeful and attractive for users. The legal status of such routes would require the agreement of the Council as the Highway Authority, and the developer would be expected to include the maintenance of the routes within arrangements for the open space on the site.

The canal towpath is likely to act as an important route to the town centre and to Sandbach for residents of the proposed development for both leisure and for utilitarian journeys. Contributions towards the improvement of the surface of the towpath to accommodate this increased traffic, and the improvement of pedestrian and cyclist access to the towpath from the site, would be sought and could constitute the community facilities contributions proposed within the Heads of Terms of s106.

The developer would be tasked to inform prospective residents with information about walking and cycling route options for both leisure and transport purposes.

Cheshire Brine Board: The Cheshire Brine Board is of the opinion that the site is in an area which has previously been affected by brine subsidence, and the possibility of minor future movements cannot be completely discounted. Therefore as per the previous recommendations in relation to application 12/0883C, the Board recommends that any dwelling erected thereon should be constructed on a reinforced concrete raft foundation.

5. VIEWS OF THE PARISH COUNCIL

Middlewich Town Council: Update required, more information required regarding concerns about road entrance.

Moston Parish Council: No comments to make.

6. OTHER REPRESENTATIONS

Letters of objection have been received from 12 local households raising the following points;

Principal of development

- There are brownfield sites available within Middlewich which should be developed first
- There is no requirement/justification for additional housing in Middlewich
- Loss of open countryside which should be protected for future generations
- There are better alternative sites available
- Lack of employment in Middlewich
- Contrary to the emerging local plan
- Contrary to the current local plan
- No need for more housing in Middlewich

Highways

- Warmingham Lane has a record of traffic accidents
- Increased traffic congestion
- Lack of crossing facilities on Warmingham Lane
- Pedestrian/cyclist safety
- Lack of public transport in Middlewich
- Impact upon highway safety
- Inadequate parking
- Middlewich cannot cope with further volumes of traffic
- Vehicles speed along Warmingham Lane
- Dangerous site access

Green Issues

- Loss of green land
- Impact upon wildlife
- Impact upon protected species

Infrastructure

- Increased pressure on local schools
- Drainage infrastructure cannot cope
- Middlewich has few amenities
- Impact upon water pressure
- Doctors and dentists are full

Amenity Issues

- Loss of a view
- Loss of privacy/overlooking issues
- Loss of light
- Noise pollution
- Noise and disturbance caused by the parking of vehicles
- Increased noise caused by vehicular movements from the site
- Increased light pollution
- Increased pollution from traffic

Other issues

- Flooding
- Loss of property value
- Impact upon archaeology
- Concern over the boundary treatment to adjoin residential properties

7. APPLICANT'S SUPPORTING INFORMATION

To support this application the application includes the following documents;

- Design and Access Statement (Produced by Morris Homes)
- Ecological Statement (Produced by FPCR)
- Energy Statement (Produced by STROMA)
- Affordable Housing Statement (Produced by Morris Homes)

These documents are available to view on the application file.

9. OFFICER APPRAISAL

Principle of Development

The principal of residential development has already been accepted following the approval of the outline application at appeal (12/0883C) and the duplicate planning application which was approved by Cheshire East (12/2685C).

Location of the site

The Middlewich Town Strategy also underwent a Sustainability Appraisal which is informed by an Accessibility Assessment of the site. This indicates that the site benefits from good access to a range of open spaces and employment opportunities. It also has access to a transport node. However, a range of key amenities and some forms of public transport are outside the maximum recommended distance.

The accessibility of the site shows that following facilities meet the minimum standard;

Amenity Open Space (500m) – 311m
Children's Play Space (500m) – 311m
Supermarket (1000m) – 544m
Post office (1000m) – 573m
Bank/Cash Point (1000m) – 573m
Public House (1000m) – 544m
Bus Stop (500m) – 400m

The following facilities fail to meet the minimum standard

Convenience Store (500m) – 544m
Post Box (500m) – 573m
Primary School (1000m) – 1324m
Child Care Facility (nursery or crèche) (1000m) - 1323m

Significant Failure to meet the minimum standard

Outdoor Sports Facility (500m) – 1000m
Pharmacy (1000m) – 2707m
Secondary School (1000m) – 2289m
Medical Centre (1000m) - 2697m
Leisure Facilities (leisure centre or library) (1000m) – 2203m
Railway Station (2000m where geographically possible) – 5154m
Public Right of Way (500m) – 838m

In this case the location of the site was considered to be acceptable as part of the outline approval.

Affordable Housing

The s106 agreement for this site requires an Affordable Housing Scheme to be submitted with the reserved matters application outlining the location, layout and specification of the affordable units.

The applicant is offering 30% affordable housing, with a tenure split of 65% rented and 35% intermediate as prescribed in the appeal decision and that the rented units will be transferred to a Registered Provider. This is compliant with the Interim Planning Statement on Affordable Housing (IPS).

The IPS outlines that in order to ensure full integration with open-market homes the affordable units should not be segregated in discrete or peripheral areas and therefore should be pepper-potted within the development. The external design, comprising elevation, detail and materials should be compatible with open-market homes on the development.

The IPS requires that the affordable homes should be provided no later than occupation of 50% of the open market units, unless the proposed development is phased and there is a high degree of pepper-potting in which case the maximum proportion of open market homes that may be provided before the provision of all the affordable units may be increased to 80%.

Furthermore the affordable homes should be constructed in accordance with Homes and Communities Agency Design and Quality Standards (2007) and should achieve at least Level 3 of the Code for Sustainable Homes (2007).

The planning layout highlights the location of the affordable units. The location of the units constitutes pepper-potting and this is sufficient integration of the affordable units. This is accepted by the Councils Housing Officer.

The affordable housing statement outlines that the affordable homes will be constructed to achieve level 3 of the Code for Sustainable Homes (2007). However there is also a requirement for the homes to be constructed in accordance with the Homes and Communities Agency Design and Quality Standards (2007). In addition the affordable housing statement confirms that the affordable units will be tenure blind.

A mix of unit types and size is proposed on the development with 1, 2 and 3 beds included in the affordable housing scheme and housing officer is happy with the residential mix.

Highways Implications

The majority of the objections raise concerns about the point of access and the wider traffic congestion issues in Middlewich. Both of these issues were dealt with as part of the outline application.

The outline application gave approval for a simple priority junction to the development from Warmingham Lane, close to the location of the existing change in speed limit from the national speed limit.

To mitigate the congestion traffic impact of this development the following contributions have been secured as part of the S106 Agreement:

- £23,350 towards bus passes/vouchers and season tickets for future residents
- £222,588.97 towards the cost of improvements to the junctions of Kinderton Street/Leadsmithy Street and Kinderton Street/King Street
- £28,279.88 towards traffic calming measures along Warmingham Lane

In terms of the proposed layout, this would accord with Manual for Streets and the Highways Officer has raised no objection to the internal highways design.

At least 200% parking would be provided on this site which is considered to be acceptable.

Amenity

In terms of the surrounding residential properties, these are mainly to the north and east of the site.

To the east the main properties affected are 117–127 Warmingham Lane which are located to the opposite side of Warmingham Lane. All of these properties have front elevations facing the application site apart from No 121 which has a side elevation facing the application site. The proposed dwellings would have separation distances varying from 25 metres between plot 1 and 117 Warmingham Lane and 33 metres between plot 8 and 123 Warmingham Lane. These distances exceed the requirement contained within SPG2 which requires a separation distance of 21.3 metres.

To the north of the site are two-storey and single storey dwellings which front Davenham Way and Ashton Close.

To number 65 Davenham Way there would be a separation distance of 14 metres to the side elevation of plot 157 (this exceeds the guidance contained within SPG2 which suggests a distance of 13.8 metres).

Between Plots 150 and 156 and the rear gardens of the dwellings which front Davenham Way (51-61) there would be separation distances of between 20.5 metres and 23 metres. It is accepted that there is a slight shortfall in some instances from the 21.3 metres contained within the SPG (20.5 metres between 59 Davenham Way and Plot 154, 20.5 metres between 53 Davenham Way and Plot 151 and 21 metres between 59 Davenham Way and Plot 150). However these short falls are considered to be minor and would not cause such a significant amenity impact as to warrant the refusal of this reserved matters application.

To number 4 Ashton Close (which has a side elevation facing the application site) there would be a separation distance of 15 metres to the rear elevation of plot 148 (this exceeds the guidance contained within SPG2 which suggests a distance of 13.8 metres). Between the side elevation of No 7 Ashton Close and the side elevation of Plot 147 there would be a separation distance of 7 metres which is considered to be acceptable.

There would be adequate separation distances provided between the proposed dwellings on this site and the approved development on the adjacent Bellway site.

The main impact will be on the amenities of the future occupiers of the proposed dwellings through noise from the surrounding land uses. A noise assessment was submitted as part of this outline application and this identified that the general noise for this site is from road traffic on Warmingham Lane.

This issue is dealt with as part of the outline consent and there is a condition attached which states that *'No development shall take place until a mitigation scheme for protecting the proposed dwellings from traffic noise has been submitted to and approved in writing by the local planning authority. No dwelling which forms part of the scheme shall be occupied until the approved works to that dwelling have been completed'*

In terms of air quality, the Environmental Health Officer has requested conditions relating to a travel plan and electrical vehicle infrastructure. However these conditions are not considered to be reasonable and were not attached to the outline consent which considered the principal of development. A condition regarding an Environmental Management Plan to minimise the impact from the development in terms of the site preparation and construction phases was attached to the outline consent.

In terms of contaminated land the site has a history of contractor compound use and there are potential in-filled ponds on the site. As a result a Phase II contaminated land report will be required. This is secured as part of a condition attached to the outline application.

Landscape

The revised layout plan provides for a short section of hedge to be retained on the Warmingham Lane frontage but otherwise there would be some loss of hedgerow along the road frontage. This is consistent with the adjacent Bellway scheme and is considered to be acceptable.

The scheme still fails to provide the belt of public open space along the line of the mid-site north /south hedge and tree line and places much of this landscape feature in a compromised and inaccessible position.

Whilst amendments have been made on the Landscape Structure plan it is considered that further improvements could be made. With this in mind and in view of the lack of detail for plot landscape work, in the event of approval a landscape condition would be attached.

Trees and Hedgerows

The submitted Arboricultural Assessment covers 23 individual trees, 6 groups of trees and 4 hedgerows. It affords 1 tree grade A, 12 individual trees and 2 groups grade B and 7 individual trees and 8 groups grade C, 3 trees are identified as U for removal.

The Arboricultural Impact Assessment confirms the development as shown on plan would require the removal of the Warmingham Lane hedge, and some lengths of hedge within the site. It also advises that several existing trees would need to be removed on grounds of their poor condition/

or being unsuitable for retention in a residential development. It identifies that there are locations on the layout where there is direct conflict between retained trees and development. This is clearly a concern as it appears to indicate that the layout has not been informed by the arboricultural information.

The following issues arise from the proposed layout:

- The proposed retention of Crack Willow T1 as a feature on the Warmingham Lane frontage by plots 5 & 6 which the report suggests is inappropriate for retention in this location.
- Plot 114 where T17 a Grade A Oak tree has a garage and dwelling in its root protection area.
- Plot 142 where trees T14 and T13 have a garage in their root protection areas.
- Plot 181 where tree T20 is shown for retention but defects are identified and the tree appears unacceptable close to dwelling.
- The proposed layout N/269/P/PL01E and the Tree retention plan 6037-A-03 A conflict in relation to trees indicated for retention/removal. Details needs to be clarified with as many healthy trees retained as possible.

These issues have been raised with the applicant and an update will be provided.

Should an acceptable layout be secured, conditions would be appropriate to secure an Arboricultural method statement to include, tree protection, special construction for hard surfaces within tree root protection area, and a programme of work to retained trees. Conditions requiring details of service routes would also be appropriate.

Design

The application is outline with details of scale, layout, appearance and landscaping to be determined at a later date. In support of this planning application a development framework plan and illustrative master plan have been submitted.

The importance of securing high quality design is specified within the NPPF and paragraph 61 states that:

“Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.”

The positive and externally orientated perimeter blocks are welcomed with all areas of open space, footpaths and highways well overlooked by the proposed dwellings. The density of 35 dwellings per hectare is appropriate due to the urban fringe location of the site.

The majority of the proposed development would be two-storey with occasional increases in height to define spaces and to create focal points. This would be limited to just one house type which would be 2.5 storeys in height and there would be just 4 of this type.

The layout plan includes centrally located open space which is well overlooked to all sides together with green buffer planting to the boundaries with the surrounding open countryside. The

residential properties would be orientated so that the areas of open space would be well overlooked and the boundary treatments to rear gardens are obscured from view.

Avenue tree planting is proposed to reinforce the Main Street, which is positive in terms of place making provided adequate space is provided. It is welcomed that existing hedge lines are retained as the basis for the landscape infrastructure and associated open spaces.

In terms of the detailed design the proposed dwellings include canopies, bay windows, sill and lintel details, brick corbelling details and chimneys. The design of the proposed dwellings and their scale is considered to be acceptable and would not detract from this part of Middlewich.

Ecology

Sandbach Flashes Site of Special Scientific Interest (SSSI)

Sandbach Flashes is a site of physiographical and biological importance. It consists of a series of pools formed as a result of subsidence due to the solution of underlying salt deposits. The water varies from freshwater, chemically similar to other Cheshire meres, to highly saline. Inland saline habitats are extremely rare and are of considerable interest because of the unusual associations of plants and animals. Most of the flashes are surrounded by semi-improved or improved grassland. Fodens Flash is partly surrounded by an important area of wet woodland.

As well as the physiographical and biological interests of the flashes, the SSSI is notified for both its breeding bird assemblage and for its aggregations of non-breeding birds specifically Curlew, Lapwing, Snipe, Teal and Widgeon. The site is also notified for its geological features resultant of the solution of underlying salt deposits.

In this case it is not considered that there will be an impact upon the SSSI following the comments made by Natural England.

Great Crested Newts

A number of ponds have been identified within 250m of the proposed development that support Great Crested Newts. In the absence of mitigation the Council's Ecologist advises that the proposed development is likely to have a 'High' impact on a small population of Great Crested Newts through the loss of terrestrial habitat, the isolation of the pond in the adjacent 'Bellway Homes' potential development site and the risk of killing/injuring newts during the construction phase.

To mitigate the risk of killing/injuring Great Crested Newts the applicant's ecologist has recommended the removal and exclusion of great crested newts from the site using best practice methodologies which would be subject to Natural England Licensing. The loss of terrestrial habitat is compensated for through the creation of a significant number of new ponds and the incorporation of terrestrial habitat suitable for Great Crested Newts within the open space provision. Finally, the indicative master plan includes wildlife corridors provided to link the pond within the Bellway Homes development to the open countryside.

The EC Habitats Directive 1992 requires the UK to maintain a system of strict protection for protected species and their habitats. The Directive only allows disturbance, or deterioration or destruction of breeding sites or resting places,

- in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment

and provided that there is

- no satisfactory alternative and
- no detriment to the maintenance of the species population at favourable conservation status in their natural range

The UK implements the Directive in the Conservation of Habitats & Species Regulations 2010 which contain two layers of protection

- a requirement on Local Planning Authorities ("LPAs") to have regard to the Directive's requirements above, and
- a licensing system administered by Natural England.

Circular 6/2005 advises LPAs to give due weight to the presence of protected species on a development site to reflect EC requirements. (*"This may potentially justify a refusal of planning permission."*)

In this case this case the 3 tests were considered as part of the outline application where it was concluded that:

'There is an overriding public interest as the development would contribute to the Council's 5 year housing land supply and the development would provide benefits in the form of affordable housing provision.

It is not considered that there are any suitable alternatives as Cheshire East has not had a 5 year housing land supply for some time. As such, this site would provide a valuable contribution.

In terms of the favorable conservation status of Great Crested Newts, this will be maintained via the proposed mitigation and indicative master plan for the site'

However it should be noted that the proposed mitigation/compensation proposed could result in the partial isolation of the pond within the 'potential' Bellway Homes development from the open countryside.

An application for the adjacent Bellway Homes development has now been approved and as has been agreed with the Council's Ecologist that their proposed development would include the creation of additional ponds off-site and the translocation of Great Crested Newts encountered within the footprint of their development to this nearby newly created habitat. If the planning consent is implemented for the adjacent Bellway development and Great Crested Newts are translocated from the Bellway Homes site, this would mean that there would be no isolation impacts in respect the current application.

Therefore that the Great Crested Newt issue at this site is intrinsically linked between the two potential developments and so a co-ordinated great crested newt strategy between the two developments has been developed.

Consequently, the view of the Councils Ecologist is that provided the above co-ordinated approach to Great Crested Newt mitigation is adopted by both developers the favourable conservation status of great crested newts is likely to be at least maintained and quite possibly enhanced.

Conditions attached to outline

A number of planning conditions relating to ecological matters were attached to the outline consent which have implications for the detailed design of the proposed development.

Condition 12 – Pond design, habitat creation and habitat management

Acceptable pond designs and habitat creation details have been provided.

There is a requirement for the applicant to provide proposals for the long term management and maintenance of the mitigation areas. A management plan has been provided to comply with this requirement.

The submitted management plan details 5 years of management. The habitats proposed, particularly the ponds and meadow areas, will require on-going management to ensure they are maintained in an optimal condition for Great Crested Newts and this will be covered by the scheme of management for the open space on this site.

Paragraph 7.15 of the management plan refers to the establishment of native species meadow areas. Confirmation is required as to how a suitable low nutrient soil will be established for the purpose of establishing species rich meadow areas.

Condition 13 – Marsh area

Acceptable proposals for the safeguarding and management of the retained marsh area have been provided.

Condition 14 – bat and bird boxes

Only a relatively small number of bat and bird boxes have been proposed. Only a limited number of these are provided on the proposed houses, which limits the opportunities for species associated with built structures. The Councils Ecologist recommends that an enhanced bird and bat box provision be sought prior to the discharge of this condition.

Condition 17 – GCN mitigation

The number of ponds proposed for the site has been reduced from the four originally anticipated at the outline stage to three. No ponds will be lost to the development and so the Councils ecologist advises that the proposed development would still lead to an enhancement of the on-

site aquatic habitat. The ecological mitigation strategy submitted in support of the outline application proposed the retention/enhancement of 1.59ha of terrestrial great crested newt habitat. Whilst a plan of the proposed great crested newt terrestrial habitat has been provided a figure for the total area of terrestrial habitat has not been provided and so it is not possible to confirm whether the area provided is equal to that proposed at the outline stage.

Conditions needed for reserved matters

If planning consent is granted for this reserved matters application a condition will be attached requiring the submission and implementation of a habitat management plan.

Public Open Space

This development would provide 1.59 hectares of public open space which will encompass habitat creation, informal open space and new footpaths. This level of open space is considered to be acceptable and is secured as part of the S106 Agreement for the outline consent.

In terms of children's playspace, an on-site 5 piece LEAP would be provided and would be located at the centre of the site.

At the time of writing this report, no comments have been received from the POS Officer and an update will be provided in relation to this issue.

Education

This issue was dealt with as part of the outline application and as there is a capacity issue at Middlewich High School the education department requested a contribution of £124,517 towards enhancing the capacity of the secondary school.

Flood Risk and Drainage

The application site is located within Flood Zone 1 according to the Environment Agency Flood Maps. This defines that the land has less than 1 in 1000 annual probability of flooding and all uses of land are appropriate in this location. As the application site exceeds 1 hectare, a Flood Risk Assessment has been submitted as part of this application.

The Environment Agency and United Utilities have been consulted as part of this application and have raised no objection to the proposed development. As a result, the development is considered to be acceptable in terms of its flood risk/drainage implications.

Archaeology

The outline application was supported by an archaeological desk-based assessment. The report considered the known archaeological information from the surrounding area and concluded that although there are currently no known archaeological sites from within the application area, the site does have some limited potential for archaeological deposits to be present, with particular reference to the Roman period. It is further concluded that this potential may be addressed by a limited programme of archaeological mitigation with the work secured by condition should planning

permission be granted. This is accepted by the Councils Archaeologist and a planning condition is attached to the outline planning permission.

Other issues

The Cheshire Brine Board has raised no objection subject to the proposed housing incorporating raft foundations. This will be secured through the use of a planning condition.

10. CONCLUSIONS

The principle of development has already been accepted as part of the outline approvals on this site.

It is considered that the development is acceptable in terms of affordable housing provision. The provision of the access point was accepted as part of the outline application and the traffic impact as part of this development has already been accepted together with contributions for off-site highway works.

Matters of contaminated land, air quality and noise impact can also be adequately addressed through the use of conditions. The separation distances to the adjoining existing and proposed dwellings mean that there would not be a detrimental impact upon residential amenity through loss of outlook, loss of light, overbearing impact or loss of privacy.

The impact upon local education is considered to be acceptable and a contribution has been secured as part of the S106 Agreement.

The amount of POS and children's play provision to be provided on site is considered to be acceptable. An update will be provided once the Open Space Officers comments have been received.

With regard to ecological impacts, the Council's ecologist is satisfied with the impact of this development and the areas of ecological value would be retained on this site.

Details of the proposed landscaping would be secured through the use of a planning condition.

There would be some limited hedgerow loss along the road frontage and the majority of the trees would be retained on this site. An update will be provided in relation to the outstanding areas of conflict between the proposed development and the retained trees.

The development is considered to be of a high standard of design and complies with the Local Plan Policies and guidance contained within the NPPF.

There are no drainage/flood risk implications for this proposed development.

It is therefore considered that the proposal would comply with the relevant local plan policies and would not compromise key sustainability principles as set out in national planning policy. Therefore there is a presumption in favour of the development and accordingly it is recommended for approval.

11. RECOMMENDATIONS

APPROVE subject to the following conditions

- 1. Approved Plans**
- 2. Obscure glazing to the side elevations of plots 1, 18, 19, 32, 33, 103, 115, 147 and 157 and removal of PD Rights for all new windows to the side elevations**
- 3. Removal of PD Rights for extensions to plots 47, 147-157**
- 4. Materials to be submitted and approved in writing by the LPA**
- 5. Notwithstanding any indication on the approved plans, no development approved by this permission shall commence until a scheme for the disposal of foul and surface waters for the entire site has been submitted to and approved in writing by the Local Planning Authority.**
- 6. Landscaping details to be submitted to the LPA for approval in writing**
- 7. Boundary treatment as shown on the approved plan**
- 8. Submission of a landscaping scheme**
- 9. Implementation of the approved landscape scheme**
- 10. Submission and implementation of a habitat management plan**
- 11. Arboricultural method statement to include, tree protection, special construction for hard surfaces within tree root protection area,**
- 12. A programme of work to retained trees.**
- 13. Details of service routes would also be appropriate.**

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Development Management and Building Control has delegated authority to do so in consultation with the Chairman of the Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Committee's decision.

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